

Mr. COCHRAN. Reserving the right to object, this is a new request, as I understand it.

Parliamentary inquiry. Would this Senator have the right, for example, when Senators have indicated that they do not care to debate the issue any further, to move to table the underlying amendment and get the yeas and nays and have a vote on the motion to table the underlying amendment?

The PRESIDING OFFICER. Not if this agreement were entered into.

Mr. COCHRAN. Further inquiring of the Chair, there have been two unanimous-consent requests granted, or there have been the yeas and nays ordered on two amendments.

The PRESIDING OFFICER. That is correct.

Mr. COCHRAN. But now there is a request pending that there be an up-or-down vote on both amendments; is that a correct understanding of the request?

The PRESIDING OFFICER. Is the Senator from Iowa making that request?

Mr. HARKIN. Mr. President, let this Senator be clear. This Senator, in good faith, just went over to my friend from North Carolina and asked if we could get past this impasse in the following manner: Could we agree to have the yeas and nays on this Senator's underlying amendment, then to let the Senator from North Carolina modify his amendment and then ask for the yeas and nays on that amendment, and further, we agreed and shook hands that we would then have a vote on his amendment up or down, and then if he failed, then we would have a vote up or down on my amendment. I believe that was what the agreement was.

Mr. HELMS. Mr. President, let me be sure I understand the Senator. The first vote would be on the perfecting amendment, is that it?

Mr. HARKIN. That is correct. It would be an up-or-down vote on the perfecting amendment.

Mr. HELMS. I have no objection to that.

Mr. COCHRAN. And that is the amendment of the Senator from North Carolina, is that correct?

Mr. HELMS. Yes, the perfecting amendment, as modified.

Mr. HARKIN. And then if that amendment failed, then there would be an up-or-down vote on the underlying amendment, and that is what we are asking the Senate to do, to carry out that agreement that we made.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Then I gather the Senator from Iowa is making the point that a motion to table the underlying amendment would not be in order.

Mr. HARKIN. That is correct.

Mr. McCONNELL. Under this request.

Mr. HARKIN. That is correct.

Mr. McCONNELL. That is an agreement we have already entered into?

The PRESIDING OFFICER. Not yet.

Mr. FORD. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Senator from Kentucky.

Mr. FORD. I think I am getting to the point here where I don't like this agreement, and, I say with all respect, of what we are trying to do. One, if this agreement is accepted, then as I understand it—and I am not as good at the rules as I used to be or should be—but this precludes a tabling motion on the underlying amendment if we agree to this.

The PRESIDING OFFICER. That is correct.

Mr. FORD. And, second, if we agree to this and the second-degree amendment is defeated, then I am precluded from offering another amendment in the second degree.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Then I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I suggest the absence of a quorum. We are going to be here for a long time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONDEMNING THE GOVERNMENT OF CANADA

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to Senate resolution 109. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—81

Abraham	Cochran	Glenn
Akaka	Collins	Gorton
Allard	Conrad	Grams
Ashcroft	Coverdell	Grassley
Baucus	Craig	Gregg
Bennett	D'Amato	Hagel
Bond	Daschle	Harkin
Boxer	DeWine	Hatch
Brownback	Domenici	Helms
Bryan	Dorgan	Hollings
Bumpers	Enzi	Hutchinson
Burns	Faircloth	Hutchison
Byrd	Feingold	Inhofe
Campbell	Feinstein	Inouye
Cleland	Ford	Jeffords
Coats	Frist	Johnson

Kempthorne	Murray	Smith (NH)
Kohl	Nickles	Smith (OR)
Levin	Reed	Snowe
Lieberman	Reid	Specter
Lott	Robb	Stevens
Lugar	Roberts	Thomas
Mack	Rockefeller	Thompson
McConnell	Roth	Thurmond
Mikulski	Santorum	Torricelli
Moseley-Braun	Sessions	Warner
Murkowski	Shelby	Wyden

NAYS—19

Biden	Gramm	Leahy
Bingaman	Kennedy	McCain
Breaux	Kerrey	Moynihan
Chafee	Kerry	Sarbanes
Dodd	Kyl	Wellstone
Durbin	Landrieu	
Graham	Lautenberg	

The resolution (S. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 109

Whereas, Canadian fishing vessels blockaded the M/V MALASPINA, a U.S. passenger vessel operated by the Alaska Marine Highway System, preventing that vessel from exercising its right to innocent passage from 8:00 a.m. on Saturday, July 19, 1997 until 9:00 p.m. Monday, July 21, 1997;

Whereas the Alaska Marine Highway System is part of the United States National Highway System and blocking this critical link between Alaska and the contiguous States is similar in impact to a blockade of a major North American highway or air-travel route;

Whereas the M/V MALASPINA was carrying over 300 passengers, mail sent through the U.S. Postal Service, quantities of fresh perishable foodstuff bound for communities without any other road connections to the contiguous States, and the official traveling exhibit of the Vietnam War Memorial;

Whereas international law, as reflected in Article 17 of the United Nations Convention on the Law of the Sea, guarantees the right of innocent passage through the territorial sea of Canada of the ships of all States;

Whereas the Government of Canada failed to enforce an injunction issued by a Canadian court requiring the M/V MALASPINA to be allowed to continue its passage, and the M/V MALASPINA departed only after the blockaders agreed to let it depart;

Whereas, during the past three years U.S. vessels have periodically been harassed or treated in ways inconsistent with international law by citizens of Canada and by the Government of Canada in an inappropriate response to concerns in Canada about the harvest of Pacific salmon in waters under the sole jurisdiction of the United States;

Whereas Canada has failed to match the good faith efforts of the United States in attempting to resolve differences under the Pacific Salmon Treaty, in particular, by rejecting continued attempts to reach agreement and withdrawing from negotiations when an agreement seemed imminent just before the Canadian national election of June, 1997;

Whereas neither the Government of Canada nor its citizens have been deterred from additional actions against vessels of the United States by the diplomatic responses of the United States to past incidents such as the imposition of an illegal transit fee on American fishing vessels in June, 1994: Now, therefore, be it

*Resolved by the Senate*, That it is the sense of the Senate that—

(1) The failure of the Government of Canada to protect U.S. citizens exercising their right of innocent passage through the territorial sea of Canada from illegal actions and harassment should be condemned;

(2) The President of the United States should immediately take steps to protect the interests of the United States and should not tolerate threats to those interests from the action or inaction of a foreign government or its citizens;

(3) The President should provide assistance, including financial assistance, to States and citizens of the United States seeking damages in Canada that have resulted from illegal or harassing actions by the Government of Canada or its citizens; and

(4) The President should use all necessary and appropriate means to compel the Government of Canada to prevent any further illegal or harassing actions against the United States, its citizens or their interests, which may include—

(A) using U.S. assets and personnel to protect U.S. citizens exercising their right of innocent passage through the territorial sea of Canada from illegal actions or harassment until such time as the President determines that the Government of Canada has adopted a long-term policy that ensures such protection;

(B) prohibiting the import of selected Canadian products until such time as the President determines that Canada has adopted a long-term policy that protects U.S. citizens exercising their right of innocent passage through the territorial sea of Canada from illegal actions or harassment;

(C) directing that no Canadian vessel may anchor or otherwise take shelter in U.S. waters off Alaska or other States without formal clearance from U.S. Customs, except in emergency situations;

(D) directing that no fish or shellfish taken in sport fisheries in the Province of British Columbia may enter the United States; and

(E) enforcing U.S. law with respect to all vessels in waters of the Dixon Entrance claimed by the United States, including the area in which jurisdiction is disputed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

##### AMENDMENT NO. 965

The PRESIDING OFFICER. There are 2 minutes, equally divided, on the motion to table amendment No. 965, the Durbin Amendment.

Mr. COCHRAN. Mr. President, I understand that we have 2 minutes, equally divided, on the motion to table the Durbin Amendment. I made the motion to table. The Durbin Amendment seeks to do away with crop insurance payments for tobacco farmers and any disaster assistance payments that might fall due under the law. I moved to table it. It carried with it a second degree amendment by the Senator from Kentucky [Mr. FORD], which limits crop insurance payments to farms 400 acres or smaller.

So, as you may see, unless we table the DURBIN amendment, you are going

to cause a lot of disruptions in agriculture for two reasons. I hope that the Senate will vote to table this amendment. This is an agriculture appropriations bill. Both of these amendments would change the law, not funding levels. Let's stick to the purpose of our bill and please vote to table the Durbin amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment eliminates the Federal subsidy for tobacco. How many times have we faced that question?

Senators, the Federal Government says that tobacco is dangerous. Why do the taxpayers continue to subsidize it? We subsidize it in the form of crop insurance.

Senator GREGG and I are offering this amendment to eliminate once and for all crop insurance for tobacco. Some Senators have said that is unfair. Every crop gets insured. Right? Wrong. Sixty-seven crops are presently insured. Sixteen hundred are not.

The list goes on and on and on. I am about to drop them.

What is this about? It is about a crop that is perfectly legal and perfectly lethal. Tobacco is the No. 1 preventable cause of death in America today.

Let's get our public health policy and our subsidies straight.

So, to vote against the crop insurance for tobacco, the appropriate vote is "no" on the motion to table and "no" on more subsidies.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 196 Leg.]

##### YEAS—53

Akaka	Enzi	Leahy
Allard	Faircloth	Lott
Aschcroft	Feingold	McConnell
Baucus	Ford	Mikulski
Biden	Frist	Moynihan
Bond	Graham	Murkowski
Breaux	Grams	Nickles
Bryan	Grassley	Robb
Burns	Hagel	Roberts
Campbell	Helms	Roth
Cleland	Hollings	Sarbanes
Cochran	Inhofe	Sessions
Conrad	Inouye	Shelby
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thompson
Daschle	Kerrey	Thurmond
Domenici	Kohl	Warner
Dorgan	Landrieu	

##### NAYS—47

Abraham	Collins	Gregg
Bennett	D'Amato	Harkin
Bingaman	DeWine	Hatch
Boxer	Dodd	Hutchinson
Brownback	Durbin	Hutchison
Bumpers	Feinstein	Johnson
Byrd	Glenn	Kennedy
Chafee	Gorton	Kerry
Coats	Gramm	Kyl

Lautenberg	Murray	Snowe
Levin	Reed	Specter
Lieberman	Reid	Thomas
Lugar	Rockefeller	Torricelli
Mack	Santorum	Wellstone
McCain	Smith (NH)	Wyden
Moseley-Braun	Smith (OR)	

The motion to lay on the table the amendment (No. 965) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, what is the pending business before the Senate?

##### AMENDMENT NO. 969, AS MODIFIED

The PRESIDING OFFICER. The pending business is the Helms amendment No. 969.

Mr. COCHRAN. Mr. President, the issue here was joined with the offering of the amendment by the distinguished Senator from Iowa. It is an amendment related to the Food and Drug Administration's funds for an antismoking regulatory program that has been developed and put out by the Food and Drug Administration. The issue is whether or not there is sufficient funds in the FDA account to help pay the cost of this regulatory program.

Some Senators may not be aware of the fact that we have increased in this legislation the proposed funding for FDA by over \$20 million. As a matter of fact, I think the total is around \$30 million—\$24 million for the FDA account for this next fiscal year. This is in comparison with this current year's funding level. So there are funds available to carry out the additional food safety initiatives that the Food and Drug Administration has proposed. There is a specified \$4.9 million available, the same amount as last year, for the FDA's smoking regulatory program, or antismoking regulatory program.

One thing that has to be kept in mind, I think, to try to understand, get a perspective on this issue is that litigation is underway. There was a lawsuit filed in North Carolina. Some of the regulatory initiatives of the FDA were upheld and some are on appeal.

Mr. President, the other aspect of this issue is that there has been a negotiated settlement among attorneys general and the tobacco industry that involves the commitment of the tobacco industry to make certain payments to help pay health costs and Food and Drug Administration activities in connection with the use of tobacco and trying to convince people that smoking tobacco is bad for you.

This bill does not in any way try to adversely affect or take away from any initiative of that kind. We did say, when we were discussing this legislation in the subcommittee and at the full committee, that we assumed some funds could be made available from the tobacco industry to help pay costs that might not be fully funded in this legislation, costs of the Food and Drug Administration. So we see nothing wrong